

**MINUTES FOR P.O.S.T. COMMISSION MEETING
OCTOBER 21, 2016**

The Tennessee Peace Officer Standards and Training Commission met on Friday, October 21, at 9:30 a.m., at the Tennessee Law Enforcement Training Academy, 3025 Lebanon Road, Nashville, Tennessee.

Chair Kim Wallace called the meeting to order and entertained a motion for adoption of the agenda, which was so moved by Commissioner Chrisman, seconded by Vice-Chair Jenkins. The motion carried.

Mr. Farris conducted a roll call, which reflected the presence or absence of the following commissioners: Baker - present; Chrisman - present; Hannon - present; Hulsey - present; Jenkins - present; Lewis - absent; Long - present; Wallace - present; Williamson - present; Wilson - present; Sen. Bell - absent; General Cherry - present.

A quorum was noted to be present.

Chair Wallace recognized Vice-Chair Carl Jenkins, who read the following disclaimer: All P.O.S.T. Commissioners have previously agreed to recuse themselves from any vote that would constitute a conflict of interest. The most obvious of these would include issues that involve our own departments or someone we know personally. Because we have already agreed to this, it should be noted that on routine matters, it will be assumed nonverbally that these commissioners have abstained from that vote. In bigger more controversial issues that may have a more overt conflict of interest or may have an appearance of impropriety applicable commissioners will still verbally abstain from those votes.

Chair Wallace asked for a motion for approval of the September 16th P.O.S.T. Commission Meeting minutes. Commissioner Wilson moved for approval, seconded by Commissioner Baker. The motion carried.

Mr. Grisham read the recommendations given by the Informal Disciplinary Subcommittee yesterday after hearing several matters.

First case being Ashley Tharp, formerly of the Algood Police Department. The recommendation of the Subcommittee was a formal disciplinary hearing by the full commission.

In the matter of Robert Tandy Abel, formerly of the Hendersonville Police Department, it was recommended to continue the matter to provide adequate notice.

In the matter of Bobby Ray Harris, formerly of the Gallatin Police Department, it was recommended to issue a default order of decertification based on the grounds that he resigned in lieu of termination for disciplinary reasons.

In the matter of Howard Jawaski, formerly of the Memphis Police Department, it was recommended to issue a default order of decertification based on the grounds that he resigned in lieu of termination for disciplinary reasons.

In the matter of Eric T. Lee, formerly of the Memphis Police Department, it was recommended to continue the matter to provide adequate notice.

In the matter of Christopher T. Patterson, formerly of the Memphis Police Department, it was recommended to issue a default order of decertification of failure to maintain pre-employment standards.

In the matter of Darren C. Roberson, formerly of the Memphis Police Department, it was recommended to issue a default order of decertification based on the grounds that he resigned in lieu of termination for disciplinary reasons.

In the matter of David W. Royal, formerly of the Memphis Police Department, it was recommended to issue a default order of decertification based on the grounds that he was terminated for disciplinary reasons and he had two alcohol violations while on duty.

In the matter of Cassen Jackson-Garrison, formerly of Oak Ridge Police Department, it was recommended to issue a default order of decertification based on the grounds that he was terminated for disciplinary reasons and pending criminal charges.

In the matter of David Rorer, formerly of the Tennessee Department of Safety, it was recommended to issue a default order of decertification based on the grounds that he was terminated for disciplinary reasons and subject to criminal charges.

Vice-Chair Jenkins made a motion approving recommendations of the Subcommittee, seconded by Commissioner Chrisman. The motion carried.

Vice-Chair Jenkins made a motion to take Seth Norris appearing for Wayne County first as he has a conflict and needed to leave, seconded by Commissioner Baker. The motion carried.

Seth Norris appearing for Wayne County Sheriff's Office regarding firearms in school TCA 49-6-816, persons who complete this class are not certified in any way, they are merely being permitted by state statute to carry their personal weapons on school property. Only one staff member per 100 students will be permitted to carry a firearm.

Seth Norris is present, along with Mr. Byrd from the Tennessee House of Representatives.

Vice-Chair Jenkins inquired about the request being sought. Mr. Norris stated that he wanted to pass the lesson plan to have teachers trained in firearms in schools. He said that the firearms class that they want to offer has already been P.O.S.T. approved for officers, they've modified it for teachers.

He also wants to train them to be responsive in case of an active shooter. It's the Run, Hide, Fight Program by Texas University. It was also P.O.S.T. approved. He wants to put the courses together and make it a 40-hr course for the teachers.

He goes on to say that the courses are given for self-defense purposes and in no way is meant to be a replacement for the school's resource officers. The teacher is in no way being trained to go out and hunt the shooter within the school, but just to protect themselves and their students within their classrooms.

Vice-Chair Jenkins said he has no problem with it and thinks it's a great thing; however, he does say P.O.S.T. has no control over teachers, only certified officers.

Mr. Wilder agreed and went on to say the powers and duties of the P.O.S.T. Commission are specifically related to law enforcement police officers only.

Mr. Norris said that the bill itself said it had to be a P.O.S.T. approved course.

Commissioner Hulsey agreed. He said the bill was passed the last session and says that it had to be a P.O.S.T. approved curriculum, which is what they're asking for.

Mr. Norris then said he thought it had to be P.O.S.T. approved for the teachers.

Vice-Chair Jenkins again said he doesn't believe they have jurisdiction over teachers and asked for clarification from the attorney, Mr. Wilder.

Mr. Wilder said that Mr. Norris is correct, when they passed the 49 Rule it did say it had to be approved by the P.O.S.T. Commission. However, the Legislature didn't change anything on the P.O.S.T. side as far as the Commission's powers and duties. He went on to say that in 38-8-104 the Commission's powers do not exceed outside of law enforcement.

Vice-Chair Jenkins then asked since it's a P.O.S.T. approved class wouldn't that suffice what they need. Mr. Wilder said that it meets P.O.S.T. standards for police officers, but it doesn't allow the P.O.S.T. Commission to authorize anyone outside of law enforcement to take the course.

Commissioner Williamson asked if the laws conflict. Mr. Wilder answered by saying one law allows the teachers to do this, but when they passed the law they never changed the law on the P.O.S.T. side to allow them to authorize it. Their jurisdiction is still confined to law enforcement only.

He then went on to tell the Commissioners they could elect to do what they wanted, but under 38-8-104 they don't have the authority to approve anything for civilians or teachers. They would be operating outside of their duties and powers at that point.

Commissioner Cherry said the training has been approved, but the only issue is whether the training can be applied to civilians. He goes on to say he doesn't see a problem or conflict with that. Mr. Wilder answered by saying for P.O.S.T. to authorize it, it would be outside their duties.

Vice-Chair Jenkins asked does it still need to be P.O.S.T. approved.

Commissioner Wilson asked why the P.O.S.T. Commission approves constables to go through when they're not officers. Vice-Chair

Jenkins said they don't approve constables and never have. Mr. Grisham also says constables don't fall under the definition of law enforcement officers, so they don't approve them.

Commissioner Hulsey says when they passed the bill the intention was to give them an avenue to do what they wanted to do, and what they wanted to do was have a P.O.S.T. certified curriculum as opposed to having to approve the curriculum for them.

Commissioner Williamson asked if the class that they're going to be teaching what P.O.S.T. has already approved. Mr. Norris said yes. To be sure, Commissioner Williamson then asked if they would be taking any parts out or adding any parts in. Mr. Norris did say that they would be adding training using a school scenario rather than a police officer scenario.

Mr. Grisham says he thought he heard Mr. Norris say they were teaching a law enforcement response to an active shooter, and that would be different than what they want to teach.

Commissioner Long asked how many SROs they will have in the schools. Mr. Norris said they have no SROs in the schools currently.

Commissioner Long then asked how they teachers are not going to take the place of SROs when there are none. Mr. Norris answered by saying they will only be protecting themselves and their children in their classrooms and not hunting the perpetrators. He goes on to say if the teachers decide to go looking for the shooter that would be a personal decision they would make on their own.

Commissioner Long also said that when they passed the legislation Wayne and Pickett Counties were the only two counties exempted under the statute.

He also pointed out that when Wayne County got funding for SROs in the school the school decided to allocate the money for a counselor instead of an SRO. Mr. Norris said he know that. In fact, he was the SRO when they decided to pull SROs out of the schools due to funding.

Commissioner Long mentioned that is what his problem is this. He did not want teacher being SROs when they had funding to put actual SROs in the schools and chose not to. Mr. Norris said he understood the concern. He also said he's not responsible for what the teachers choose to do once they take the class.

Mr. Murphy asked Mr. Norris how many armed teachers would be in the schools. Mr. Norris said the law says one armed teacher per 100 students.

Commissioner Hannon said his only problem with it is if a plain clothes officer goes to the school during an active shooter and is walking through the halls with a weapon how the teachers will discern him from the shooter. Mr. Norris acknowledged that was a good question and informed the Commission he would teach the teachers how to identify cops and themselves if carrying a weapon. Also, why the teachers will be told to stay in their areas until the police officers arrive with further instructions.

Vice-Chair Jenkins still had concerns about whether the Commission had authority to approve anything for civilians.

Commissioner Hulsey says the curriculum has already been P.O.S.T. approved so they really shouldn't need to approve anything.

Commissioner Chrisman moved to deny the request until further legislation was brought.

Commissioner Hulsey asked Commissioner Chrisman what he meant by denying the request. Commissioner Chrisman said that since P.O.S.T. has no authority to approve them he wishes to deny the request.

Vice-Chair Jenkins seconded the motion. Commissioner Wilson abstained. The motion carried.

**APPEARING BEFORE THE COMMISSION/WAIVERS FOR PRE-EMPLOYMENT
REQUIRMENTS - 1110-02.03 + 1110-9-.04**

Ashland City Police Department - Request Tyler Dale Temple (hired September 13, 2016) to receive waiver for a DUI conviction from February 2012 so that he may attend the upcoming TLETA basic academy. He received a sentence of 11 months, 29 days in jail that was suspended upon serving 48 hours. License revoked for one year, \$350 fine and court costs, and probation for one year. All court ordered penalties have been completed. If approved, he will also need a six-month waiver.

Tyler Temple was present.

Chair Wallace asked Mr. Temple what we would like to tell the Commission.

Mr. Temple said that he was with a friend one night and decided to go out for drinks. He said that he had another friend pick them up from the bar since they couldn't drive. They went back to his house. Mr. Temple had no vehicle and needed to go to his niece's birthday. He had asked for a ride back home and was told to call someone. However, he didn't have his phone. He then asked his cousin to use his phone to call for a ride. The cousin then pushed him and told him to get out of his house, handing him his car keys. Mr. Temple then left.

Commissioner Cherry asked Mr. Temple how old he was at the time. Mr. Temple said he was 21.

Commissioner Chrisman asked Mr. Temple if he successfully completed a year probation, 50 AA meetings, 50 hours of community service, and 12 hours of DUI awareness. Mr. Temple said he had.

Commissioner Cherry moved for approval, seconded by Vice-Chair Jenkins. Commissioner Hulsey voted no. The motion carried.

Ms. Roberts reminded the Commission Mr. Temple also needs a six-month waiver. Commissioner Chrisman moved approval of waiver, seconded by Commissioner Hannon. Commissioner Hulsey voted no. The motion carried.

Englewood Police Department - Request Zachary Clint Ellis (hired December 1, 2015) to be granted a waiver for a Marijuana possession charge in Madisonville, Tennessee, on April 8, 2011. All court ordered fines and probations have been paid. Mr. Ellis applied and graduated from Cleveland State Community College basic law enforcement course on April 10, 2015, without assistance from a law enforcement agency. A representative from Cleveland State Community College has been requested to appear.

Zachary Ellis was present, along with Dwight Williams, Director of Cleveland State College and Chief Jason Pickle.

Chair Wallace asked if Mr. Ellis would like to say anything.

Mr. Ellis said it's been five and a half years, and he's learned a lot since then. He said he invested all his money into his future. He wants to be a police officer and would serve his community well.

Commissioner Williamson asked Mr. Ellis how much Marijuana he had. Mr. Ellis said he had a very small amount.

Commissioner Long asked Cleveland State if he made application to them for the academy. Mr. Williams affirmed he did.

Commissioner Long then asked if he mentioned anything to them about this charge he had. Mr. Williams said they did see a charge that had been dismissed. Commissioner Long wanted to know what charge they saw. Mr. Williams said the charge they had was an alcohol consumption under 21. Their show that Mr. Ellis did not disclose his Marijuana charge.

Commissioner Cherry asked if there was any indication in the background that he had a Marijuana charge. Mr. Williams said that it did not show up in their TBI background check.

Mr. Grisham said that the supporting documents from the college did not mention the alcohol charge for Mr. Ellis.

Commissioner Cherry asked Mr. Ellis what happened with the charge and if he had to go to court at all. Mr. Ellis said that he went to court and his sentenced was 11 months and 29 days, suspended. He said he did complete probation without incident and paid all court costs and fines.

Commissioner Cherry questioned whether he had judicial diversion since the charge did not come up in the background check by TBI. Mr. Ellis did not know.

Vice-Chair Jenkins asked how it came to the Commission's attention. Chief Pickle said it was the previous chief who actually brought it to P.O.S.T's attention. Commissioner Cherry asked if it came up in a background check. Chief Pickle did not know.

Commissioner Hulsey asked if they run a background check on Mr. Ellis today if the charge would show up. Mr. Ellis didn't know. He said he went to the court clerk and got the paperwork on it and sent it to the Commission.

Vice-Chair Jenkins asked Mr. Farris what was sent in. Mr. Farris said that it came up during Mr. Ellis's pre-employment from the department. He doesn't show that Mr. Ellis disclosed the charge to Cleveland State. Mr. Ellis assures the Commission

that he did tell Cleveland State about the charge and was honest when he filled out his application.

Mr. Ellis did say that he could get it expunged in 2017.

Vice-Chair Jenkins asked why they only had the alcohol charge and not the Marijuana charge disclosed. Mr. Ellis said if he did not tell them about it, it was a huge mistake. He wouldn't have kept it from his employer. Chief Pickle told the Commission if he had known there were two charges he never would have come to ask for a waiver.

Mr. Grisham asked Mr. Ellis if when he got the citation for the Marijuana if he was booked, and Mr. Ellis said no. Mr. Grisham said that's why it didn't show up. Commissioner Baker then said it should have still come back on the NCIC check even if he wasn't fingerprinted.

Commissioner Long asked the Chief if he was still supportive of Mr. Ellis getting this opportunity to be an officer. Chief Pickle said he is supportive of him and thinks he will do a great job and that he is an asset to Englewood.

Vice-Chair Jenkins did ask why they are just now coming in if he was hired in December. Chief Pickle said he thought the previous chief had handled it already and wasn't made aware that it wasn't handled until September 10th or 11th.

Commissioner Chrisman asked how big their department was. Chief Pickle said he had five full-time employees.

Commissioner Williamson moved for approval, seconded by Vice-Chair Jenkins.

Commissioner Chrisman told Mr. Ellis that he was going to vote in support of the motion because he had the support of his Chief even though there was some question about how truthful he was with Cleveland State. He told Mr. Ellis he needs to tell the truth the first time every time.

Chair Wallace asked for the vote. Commissioner Hulsey voted no. The motion carried.

Greene County Sheriff Office - Request John Phillip Pierce (hired June 10, 2016) to be granted a waiver due to a Disorderly conduct charge on July 8, 2008, in Myrtle Beach, South Carolina. Court ordered fines have been paid. Mr. Pierce applied and

graduated from Walters State Community College law enforcement basic course on June 10, 2016, without any assistance from a law enforcement agency. A representative from Walter State Community College has been requested to appear.

John Pierce was present, along with Sheriff Pat Hankins and Jeff Gazzo, Director of Walter State, and Tim Strange.

Sheriff Hankins started off by saying that Mr. Pierce was 18 years old and had just graduated from high school when this happened. Mr. Pierce went to South Carolina on a senior trip when he drank some alcohol and woke up in jail. He paid all court fines.

Later on he served a four-year term in the Marine Corp. He made sergeant in three years. He did an outstanding job in the Marine Corp.

He's been with Sheriff's department for over a year working in the detention center. The Sheriff offered him a job as a road officer, and Mr. Pierce went to the academy in April 11, 2006.

Sheriff Hankins goes on to say that he takes full responsibility for them being there asking for a waiver from the Commission. He said he was told that they didn't need a waiver since it was just a citation.

He then said he wanted Mr. Pierce to go ahead and explain to the Commission what happened that night and what his position is on the matter.

Mr. Pierce tells the Commission that the Sheriff pretty much explained it all. He was young and dumb and went down there and fell asleep on the beach and when he woke up he was in jail. He said that he has grown a lot since then and has learned his lesson.

Commissioner Chrisman moved for approval, seconded by Commissioner Hannon.

Vice-Chair Jenkins asked if was Walter State's responsibility to get a waiver or Greene County's.

Sheriff Hankins said they may have misrepresented to Walter State because after they called P.O.S.T. and found out they did not need a waiver they told Walter State a waiver wasn't needed. Vice-Chair Jenkins said Walter State knew since Mr. Pierce

marked it on his application. Sheriff Hankins said that when he looked at it he saw it was a citation. Again, he takes full responsibility for that part of it.

Commissioner Williamson asked if the incident occurred in July. Chair Wallace said Mr. Pierce graduated in June. Vice-Chair Jenkins said it occurred in July 2008.

Commissioner Williamson said P.O.S.T. put Walter State on probation in April.

Vice-Chair Jenkins asked when Mr. Pierce started the academy. Mr. Farris said he started April 11th.

Vice-Chair Jenkins said he knows Walter State is watching what they do, and that's why he asked whose error it would be.

Mr. Farris asked Mr. Pierce who paid for him to go to the academy. Mr. Pierce said the department paid for him.

Mr. Grisham asked the sheriff if it came up on an NCIC check. Sheriff Hankins said no. Mr. Williams said the code that show up for Mr. Pierce was "F," which is a fee payment, not a criminal record.

Chair Wallace asks for vote. The motion carried.

Huntingdon Police Department - Request Cody Shane Walker (hired October 14, 2016) to be granted a waiver due to an under honorable conditions (general) military discharge from the Navy in 2014. Mr. Walker had a pattern of misconduct due to his immaturity and has since changed his behavior. He and the department request the waiver so he can attend TLETA in January 2017.

Cody Walker was present, along with Walter Smothers, Public Safety Director, and Johnny Hill with the Huntingdon Police Department.

Chair Wallace asked Mr. Walker to tell the Commission about his situation. Mr. Walker explained that while in the Navy and was deployed in Jordan, he got in trouble urinating off a pier behind a building after several others had done the same thing. He went on to say there were only six porta potties for 3,500 people and felt he had no choice at the time.

He also mentioned that he got into trouble for forgetting his dress uniform for an inspection.

Mr. Smothers asked to add to that, and Chair Wallace allowed him to do so. Mr. Smothers explained that Mr. Walker was not discharged from the Navy due to urinating off the pier.

He goes on to tell the Commission that Mr. Walker comes from a family of law enforcement with his father and grandfather both retired police officers. He said he feels that they are all honorable and truthful people.

Commissioner Cherry asked if those two incidents were the only things that happened to constitute a "pattern of conduct." Mr. Walker said yes.

Commissioner Cherry asked if Mr. Walker was given an opportunity to have a board. Mr. Walker said he had a NJP. Commissioner Cherry asked if he had an actual administrative discharge board. Mr. Walker said yes and that was why he was discharged. Commissioner Cherry explained that normally what happens is after the NJP there is a separate proceeding for an administrative discharge to determine whether you would be discharged or not. Mr. Walker said that did not happen. Mr. Walker said his captain just came in and told him what he was getting.

Commissioner Cherry asked how long he was in the Navy. Mr. Walker said he was in the Navy three years.

Then Mr. Walker goes on to say that he has learned from his mistake. He said his record has stayed completely clean since then, and he's held down the same job.

He also told the Commission he was very passionate about law enforcement.

Commissioner Cherry asked what his job was with the Navy. Mr. Walker was an ABH on the flight deck.

Commissioner Cherry moved for approval, seconded by Commissioner Baker. The motion carried.

Sunbright Police Department - Request Reserve Officer Michael Dale Clore (hired March 1, 2016, part time) to be granted a waiver for two public intoxication arrests January 2013 and December 2015. The 2013 arrest had a penalty of 30 days jail

suspended and paid \$50 fine. The 2015 case disposition is unknown. He and the department request the waiver to stay in P.O.S.T. compliance.

Michael Clore was present, along with Chief Allen Dagley.

Chair Wallace asked Mr. Clore to tell the Commission about his situation. Mr. Clore explained that the second incident in 2015 was dismissed. He had had a fight with his wife and was walking down the road intoxicated. The officer didn't want to take him to jail, but he didn't have anybody to come get him since it was 3:00 in the morning.

He goes on to explain the first incident, which was when he was 18 years old when he just got out of boot camp with the Marines. He was celebrating pre-deployment and went four-wheeling while drinking. He said he got his truck stuck in the ditch, and when the state trooper got there some relatives and a friend got into a fight. The state trooper took him to jail for underage consumption and driving while impaired. He said he blew a .06 that night. He said that later on the D.A. told him if he pled guilty to public intoxication they would drop the other charges. He did so.

Chair Wallace asked if he still drinks. Mr. Clore said no, he doesn't. He said he has a job with the Department of Energy and has an L clearance and can't lose it.

Commissioner Williamson asked what the disposition was for the last case. Mr. Clore said it was dismissed.

Ms. Breeden asked if the Commission had that, and Mr. Farris affirmed he did.

Commissioner Hulsey said it was mainly for the underage consumption because a .06 isn't in violation of public intoxication. Mr. Clore said that's what they gave him. He said he was scared the Marines would punish him more severely. They did punish him, but in-house with no paperwork.

Commissioner Cherry asked what he did in the Marines. Mr. Clore said he was in infantry. He then asked him how long he was in the Marines. Mr. Clore said four years.

Commissioner Cherry moved for approval, seconded by Commissioner Hannon. The motion carried.

WAIVER OF BASIC TRAINING - 1110-02-.03 + 1110-9-.02

Benton County Sheriff Office - Request Christopher Wayne Hatley (hired September 12, 2016) be allowed to attend TLETA March 2017 P.O.S.T. Transition class. Mr. Hatley graduated Edison State Ohio 605-hour peace officer basic training program in September 2005. He worked for West Milton Ohio Police Department January 2006 - February 2009 and then for Miami Township Ohio Police Department February 2009 - June 2009 and out of law enforcement since. If approved an additional 16 hours of EVO will be required and a six-month waiver.

Christopher Hatley was present, along with Sergeant Dan Clark.

Vice-Chair Jenkins asked if he's been out for seven years. Mr. Hatley said he had.

Chair Wallace asked Mr. Hatley if had taken EVOC. Mr. Hatley said no, he hadn't. Vice-Chair Jenkins asked if he was going to take EVOC here. Sergeant Clark said they were going to try to get it set up for here.

Commissioner Chrisman moved for approval with the waiver and additional 16 hours of EVO, seconded by Commissioner Hannon. The motion carried.

Huntland Police Department - Request Chief Billy Mark Wilson (hired August 19, 2016) be allowed to attend TLETA March 2017 P.O.S.T. Transition Class. Mr. Wilson graduated Alabama Police Academy 760-hour trooper recruit class on December 5, 1997, and working as an Alabama State Trooper until October 2010 and then as Chief of Paint Rock Alabama Police Department November 2011 - March 2014.

Commissioner Chrisman asked Mr. Farris if there are issues in the rules since this service is all continuous. Mr. Farris said no, that Mr. Wilson would just need to go to Transition school.

Mr. Wilson said that he is currently still certified in Alabama and keeps that certification current.

Commissioner Chrisman thanked Mr. Wilson for a lifetime of service and moved for approval, seconded by Commissioner Baker. The motion carried.

Putnam County Sheriff Office - Request Willie Smith (hired September 16, 2016) be allowed to attend TLETA March 2017

P.O.S.T. Transition class. Mr. Smith graduated South Florida State College 770-hour criminal justice academy December 2014 and working for Highlands County Florida Sheriff Department until August 2016. If approved a six-month waiver will also be required and additional hours of training in CSA and MI.

Willie Smith was present, along with Sheriff Eddie Farris.

Sheriff Farris said they tried to get Mr. Smith in the last class, but the class was a real popular and full. He said that Mr. Smith came to Putnam from Florida. He spent 17 years in the military, 10 years in corrections, and two years as a deputy in Florida. He has an outstanding record.

Commissioner Baker moved for approval with the waiver and additional classes, seconded by Commissioner Long. The motion carried.

Spring Hill Police Department - Request Eric Kerr Swartz (hired September 12, 2016) be allowed to attend the Spring TLETA P.O.S.T. Transition class. Mr. Swartz graduated North Mississippi Law Enforcement Training Center 400-hour basic law enforcement April 2003 and worked for Mississippi State University Police until 2008 and then Oktibbeha County Mississippi Sheriff Office March 2009 to March 2010 and out of law enforcement since. The department is asking that Mr. Swartz be allowed to ride solo after completing field training and a six-month waiver. Additional hours of required training may also be needed.

Eric Swartz was present, along with Lieutenant Shauna Dooley.

Mr. Farris told the Commission Mr. Swartz already completed the additional hours and has submitted them.

Vice-Chair Jenkins asked if he's going to take the March class. Mr. Farris said yes, he'd take the first class in March.

Vice-Chair Jenkins asked the Commission if they were going to allow him to ride solo since he's been out for six years. Lieutenant Dooley said that Mr. Swartz was about to take the three-week media academy where he'll be taking firearms training, riding with a FTO, learning laws, and radar training.

Mr. Grisham asked Mr. Swartz if he was certified in Mississippi. Mr. Swartz said yes and in Texas. Vice-Chair Jenkins asked if he was doing in-service in those states to stay certified. Mr.

Swartz said yes. Mr. Grisham asked if he went through their version of Transition school, and Mr. Swartz said yes.

Commissioner Baker moved for approval with the waiver and riding alone, seconded by Commissioner Chrisman. The motion carried.

WAIVER TO ATTEND ANOTHER ACADEMY - P.O.S.T. RULE 1110-02-.03(3)

Cheatham County Sheriff Office - Request Ryan Harold Hawkins (hired August 15, 2016) be allowed to attend TLETA Basic Class on October 2, 2016. Mr. Hawkins attended MNPB basic training January 2013 to July 2013 until breaking his leg and unable to complete his basic training. He and the department request a waiver to attend another academy.

Mr. Farris said they didn't ask them to appear.

Ms. Breeden said that Mr. Hawkins was given the choice to either return or resign and per the doctor's advice he had to resign.

Vice-Chair Jenkins moved for approval, seconded by Commissioner Long. The motion carried.

Smyrna Police Department - Request Arthur Frank Williams (hired September 26, 2016) be allowed to attend TLETA Basic Training January 2017. Mr. Williams previously attended MNPB Basic Academy January 2016 before being injured and asked to resign. He also attended TLETA basic training for TBI in fall 2013 before being asked and agreeing to resign. If approved, a six-month waiver will also be needed.

Commissioner Williamson asked if they were requested to be at the meeting. Ms. Breeden said she did request Mr. Williams to be present.

Commissioner Williamson asked why Mr. Williams had to resign the last time. Ms. Roberts said that he was terminated while he was there at the academy, but she doesn't know why.

Mr. Farris mentioned that they are hardcore on relationships forming in basic training. They already let some folks go over relationships.

Commissioner Williamson moved for denial, seconded by Vice-Chair Jenkins.

Mr. Grisham asked if he was in their academy. Ms. Breeden said he was there in 2013. He was terminated and then he went to Metro and was injured and had to resign.

Mr. Grisham asked if Ms. Roberts knows why he was terminated. Ms. Roberts said she doesn't know why. She just remembers him coming to get his gear and he told her that he had terminated.

Chair Wallace asked for the vote. Commissioner Long asked if they could wait to vote on it.

Chair Wallace moved on.

SPECIALIZED SUBSTITUTIONS FOR IN-SERVICE TRAINING

P.O.S.T. Investigators have reviewed and approved 85 applications for Specialized Training Substitution, and they appear to meet the guidelines set forth in P.O.S.T. Rule 1110-04-9. TCA mandated child sexual abuse, EVOC, mental illness, and firearms qualifications must be completed and documented to complete requirements for in-service training, if not included in the curriculum of these courses.

Commissioner Chrisman moved for approval, seconded by Commissioner Williamson. The motion carried.

APPLICATIONS FOR TRAINING OFFICER - 1110-04-.03

P.O.S.T. Investigators have reviewed and approved 8 applications for training officer, and they appear to meet criteria for approval. The officers listed below if any will be informed that they have one year to complete instructor development or approved substitute.

Vice-Chair Jenkins moved for approval, seconded by Commissioner Chrisman. The motion carried.

APPLICATIONS FOR CERTIFIED INSTRUCTOR - 1110-03-.04

P.O.S.T. Investigators have reviewed and approved 11 applications for certified instructor, and they appear to be in order and meet minimum standards, and they have completed the minimum hours in attendance of required courses. The instructors listed below if any will be informed they have one year to complete instructor development or approved substitute.

Instructor's listed below if any request a waiver of the one year training officer requirement.

Commissioner Chrisman moved for approval, seconded by Commissioner Williamson. The motion carried.

CURRICULUM AND TESTS - 1110-04 & SPECIALIZED TRAINING CURRICULUM - 1110-04-.09

P.O.S.T. Investigators have reviewed and approved 46 in-service and specialized training classes this month as they appear to be in order and meet or exceed minimum standards set forth by the Peace Officers Standards and Training requirements. They have made note if these training offerings meet the P.O.S.T. requirements for firearms, EVOC, mental illness, and CSA.

Commissioner Chrisman moved for approval, seconded by Commissioner Williamson. The motion carried.

Mr. Grisham said he didn't have anything else to report on Mr. Williams's request. He said the motion and second was for him to appear next meeting. Commissioner Cherry said the motion and second was actually to deny the request.

The motion carried to deny request.

OLD BUSINESS

Chattanooga Police Department - Ego, Alexander - While employed with the Chattanooga Police Department, Mr. Ego was accused of sexual assault of a female while on duty. During the departmental investigation it was determined that the on-duty sex she had with Mr. Ego was consensual. Additionally, Mr. Ego was found to have been viewing pornography on his Chattanooga Police Department work computer.

After an internal affairs investigation was completed Chattanooga Police Department terminated Mr. Ego on April 5, 2016. Mr. Ego was decertified by default by this Commission on July 14, 2016, and received notification by Certified Mail on July 22, 2016. Mr. Ego sent a written request on August 18, 2016, requesting to appeal his decertification.

Mr. Ego was present.

Mr. Ego explained to the Commission that he was in a very bad place at the time of the incident. His fiancé of two years had

just broke up with him. He had a girl he had started dating meet him at the end of his shift behind a building. They did have sex. She did attempt to blackmail Mr. Ego two days later and then contacted internal affairs.

From the moment he was asked about it he was honest about it. He never denied anything, and that's the reason he did not resign. He wanted an opportunity to make things right. He still wants to be a cop. He understands the gravity of the situation.

He then said that Hamilton County Sheriff's Office was going to hire him. He went through their whole process and just recently he found out they're not hiring him because the psychologist is refusing to sign off on him.

He had other opportunities with Bradley County Sheriff's Office and Marion County Sheriff's Office. He put in applications at both those departments.

Vice-Chair Jenkins asked why he didn't respond to the first letter he got. Mr. Ego said he called the Commission and informed them that he had to drive to Massachusetts because his grandfather was admitted to the hospital with cancer again. He said he called a week prior to the last meeting. It was then two weeks later that he received the letter saying the Commission revoked his certification.

Vice-Chair Jenkins asked Mr. Ego who he spoke to. Ms. Breeden said that she remembers him calling to say he wouldn't make the meeting, but she didn't know who he spoke to. Ms. Roberts said she thinks he called either the day of the meeting or the day before.

Mr. Ego asked what day the meeting was. Ms. Roberts said it was on a Thursday. Mr. Ego said he left for Massachusetts at 2:00 in the morning on Friday, and he believes he called the Commission the Tuesday or Wednesday before.

Vice-Chair Jenkins asked Mr. Ego about watching pornography on his computer at work. Mr. Ego said he did do that. Mr. Hewitt said there was a forensic investigation done on Mr. Ego's computer and it showed several visits to pornography web sites.

Commissioner Williamson asked what was going on with the psychologist. Mr. Ego explained that he immediately applied to the Hamilton County Sheriff's Office after being terminated. He

hadn't heard anything, so a friend of his who also works there said to call the sheriff's secretary. He did, and set up an interview. When he went in to meet with the sheriff he agreed to hire him as long as I passed all the tests with the requirement that worked one year in the jail to prove himself as an officer before he could be back on the street. Then it was a week after his interview and hadn't heard anything, so he called and found out the sheriff couldn't hire him because the psychologist wouldn't sign off on him.

Mr. Ego goes on to say he never met with the psychologist. So he no longer had an employment opportunity with Hamilton.

Commissioner Hulsey asked if he had started off as a criminal accusation and then it was disproved. Mr. Ego said yes, he was terminated for misconduct at work, but there were no criminal charges. Mr. Hewitt said there were two investigations that came back as one code of conduct violation and one computer usage violation.

Commissioner Long asked if he could see the investigation and the results. Mr. Hewitt went through what happened as far as Mr. Ego meeting a woman while he was on duty. A few days later that woman filed charges against Mr. Ego. TBI was brought in to investigate the allegations. From there is when they found Mr. Ego had pornography on his work computer.

Commissioner Chrisman asked Mr. Farris if the Commission sustains the revocation if at a later time Mr. Ego could come back with another employer and all the tests and psychological completed and plead for another chance. Mr. Farris said he'd have to defer to Mr. Wilder, but he believes it'll be like a brand new officer. He would have to go back through all the training and start over. Mr. Wilder said there are several options the Commission can take. They can set aside the default and put him for a formal process. Then either way the outcome there's nothing that says you can't come back at a later time. He would have to approved to come back.

Commissioner Baker moved for approval to send him to a formal hearing so it can be heard in its entirety. Mr. Wilder asked if she wanted to set aside the default. Commissioner Baker said yes. Commissioner Cherry seconded. The motion carried.

NEW BUSINESS/ITEMS FOR DISCUSSION

Campbell County Sheriff Office - Request that Sergeant James Skeans receive salary supplement for 2015 because of the department's error of not listing him on their salary supplement request.

Vice-Chair Jenkins said the Commission doesn't have any 2015 money. He goes on to say if the Commission approves it to go ahead and get their money out. Commissioner Hulsey says he didn't vote.

Mr. Grisham asked if he did his in-service. Ms. Roberts said yes. She said they made several mistakes and that she told them that it was probably a moot point now.

Commissioner Chrisman moved for denial of the request, seconded by Commissioner Wilson. The motion carried.

WAIVERS OF SIX-MONTH RULE

The following departments are requesting a waiver of the six-month rule to keep their officers and the departments in compliance.

The following were displaced out of September Transition and put in March 2017 Transition.

Bean State Police Department	Kris Michael Gulliver
Berry Hill Police Department	Charles Daniel Cage
Southwest TN Community College	Calvin Louis Harris

Mr. Farris said that those three individuals that they couldn't get in the Transition because they ran out of bed space. He made the determination of which officers to pull. So Mr. Farris is asking for the six-month waiver and he's requesting that they ride alone since they've had the shortest break in service and they're Tennessee officers.

Vice-Chair Jenkins moved for approval, seconded by Commissioner Baker. The motion carried.

WAIVERS OF SIX-MONTH RULE (CONTINUED)

Bartlett Police Department	Andrew Garland Butler
Bedford County Sheriff Office	David Eugene Burns
Bedford County Sheriff Office	Anthony Michael Shafer
Bedford County Sheriff Office	Timothy Michael Thompson
Collierville Police Department	Christopher Randolph Connors

Collierville Police Department	Paul Eugene Moody
Crockett County Sheriff Office	Joshua Stephen Hughes
Dickson Police Department	Donta Duval Daniel
Dickson Police Department	Daniel Cordell Poff
Fayette County Sheriff Office	Patrick Lee Spears
Hamilton County Parks & Rec.	Michael Stephen Glenn, Jr.
Jackson Police Department	Ryan Cole Brisco
Jackson Police Department	Jeremy Shannon Dunlap
Jackson Police Department	Landon Loyd Jones
Jackson Police Department	Daniel Scott Melson
Jackson Police Department	Dalton Tyler Parsons
Jackson Police Department	Andrew Todd Washburn
Lawrence County Sheriff Office	Colton Shay Steadman
Lenoir City Police Department	Collin Thomas Kirkpatrick
Savannah Police Department	Benjamin Nathaniel Cossey
Sewanee University Police	Angela Leigh Short Sampley
Smyrna Police Department	Aaron Roger Parris
Somerville Police Department	Austin Joel Howard
Springhill Police Department	Benjamin Allen Gallahaire
Springhill Police Department	Stefanie Nichelle Sanders
Springhill Police Department	Travis Wayne Garner
Stewart County Sheriff Office	Timothy Ireland Morgan
Sweetwater Police Department	Juan Christopher Corona
Trousdale County Sheriff Office	Kristy Renee Groce
UT Martin Police Department	Emily Nicole Gorman
Washington County Sheriff Office	Stewart Hauri Hicks
Washington County Sheriff Office	Dewayne Keith Sparks
Wayne County Sheriff Office	Cody Samuel
Wilson County Sheriff Office	Douglas Charles Whitefield

Commissioner Williamson moved for approval, seconded by Commissioner Baker. The motion carried.

WAIVER OF EIGHT-MONTH RULE

The following officers are requesting a waiver of the eight-month rule.

Lauderdale County Sheriff Office - Request Timothy Richard Coss receive an eight-month waiver. Deputy Coss was on medical leave for about six months in 2016 and has since completed the required in-service training. Requesting approval to receive salary supplement for 2016.

Vice-Chair Jenkins asked why he was on the list and moved for approval. Ms. Roberts said he hadn't worked in eight months.

Commissioner Chrisman seconded motion. The motion carried.

Sumner County Sheriff Office - Request Deputy Eric Morgan Craddock receive an eight-month waiver. He served in the military until May 2, 2016, and then completed his in-service training. Requesting approval to receive salary supplement for 2016.

Commissioner Williamson moved for approval, seconded by Commissioner Baker. The motion carried.

ADMINISTRATIVE WAIVER

Coffee County Sheriff Office - Request Joshua Michael McKinney (hired September 28, 2016) to receive a waiver for an uncharacterized military (entry level performance and conduct) discharge because of not being able to run a nine-minute mile.

Vice-Chair moved for approval, seconded by Commissioner Baker. The motion carried.

Maury County Sheriff Office - Request Deputy Shawn Michael O'Brien (hired February 11, 1999) to receive a waiver due to an uncharacterized military discharge in 1995 reason of erroneous enlistment - asthma. During boot camp Mr. O'Brien received an injury of several broken ribs that affected his breathing. The military medical staff diagnosed him with asthma. Requesting Deputy O'Brien to remain in P.O.S.T. compliance.

Commissioner Baker asked if he'd been working since 1999. Ms. Roberts said he moved and changed departments. He was at Belle Meade, and then he moved to Maury County.

Mr. Murphy said Mr. O'Brien was misdiagnosed with asthma. He doesn't have asthma.

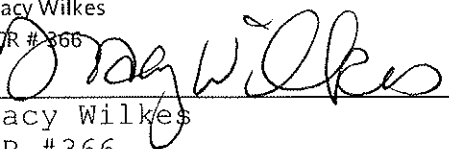
Commissioner Baker moved for approval, seconded by Commissioner Hannon. The motion carried.

Next meeting is December 9, 2016.

Commissioner Baker moved to adjourn the meeting, seconded by Commissioner Wilson. The motion carried.

X

Tracy Wilkes
LCR #366



Tracy Wilkes
LCR #366
State of Tennessee

APPROVED:



Kim Wallace
Chairman

DATE:

12-9-16